

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-19 remain in the application.

In item 2 on page 2 of the above-identified Office action, claims 1-19 have been rejected as being fully anticipated by Wheless, JR. et al. (U.S. Patent Application Publication No. 2004/0236534 A1) (hereinafter "Wheless") under 35 U.S.C. § 102.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Applicant respectfully notes that Wheless has a United States filing date of **May 19, 2003**. See 35 U.S.C. § 102(e). As set forth in the Declaration of record, the instant application claims international priority of the German Application No. **102 46 789.7**, filed **October 8, 2002**, under 35 U.S.C. § 119. Pursuant to 35 U.S.C. §§ 119, applicant is entitled to the priority date of the German application. See MPEP §§ 201.13. Thus, the instant application predates Wheless by more than

seven months. Because Wheless was filed after the priority date of the instant application, applicant respectfully believes that Wheless is unavailable as prior art.

Applicant acknowledges that perfection of priority can only be obtained by filing a certified English translation of the German priority application. See 35 U.S.C. § 119. Applicant filed a Claim for Priority including a certified copy of German application **102 46 789.7** on February 2, 2004. Concurrent herewith, applicant is filing a certified English translation of same. Accordingly, applicant respectfully believes that priority has been perfected and Wheless is unavailable as prior art. Therefore, applicant respectfully submits that the Section 102 rejection on page 2 of the Office action is now moot.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1, 11, 12, or 19. Claims 1, 11, 12, and 19 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claims 1 or 12, they are believed to be patentable as well.

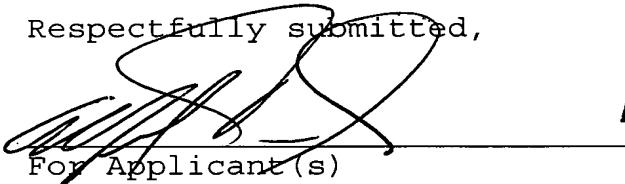
Applic. No. 10/681,498
Amdt. dated October 20, 2005
Reply to Office action of July 20, 2005

In view of the foregoing, reconsideration and allowance of claims 1-19 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,

For Applicant(s)

Alfred K. Dassler
52,794

AKD:cgm

October 20, 2005

Lerner and Greenberg, P.A.
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101